

Docket-222

EX PARTE OR LATE FILED

RECEIVED MAY 1993

MAY 13 1993

7330-7/1.700A3

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator D'Amato:

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on ~~steps that must be taken to improve the regulatory climate for users of the~~

1. [REDACTED]

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99. [REDACTED]

100. [REDACTED]

Congressional

DUE: 5-13-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
05/05/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9301943	05/05/93	04/29/93	05/21/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Alfonse M D'Amato	BC

CONSTITUENT'S NAME	SUBJECT
Charles L Kelsey	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/Km			
5-6			
DATE	DATE	DATE	DATE
05/05/93			

REMARKS:

RECEIVED
MAY 6 3 00 PM '93

ALFONSE M. D'AMATO
NEW YORK

United States Senate
WASHINGTON, DC 20510-3202

FEDERAL BUILDING
111 W. HURON STREET
ROOM 620
BUFFALO, NY 14202
(716) 846-4111

PR
91-235
1943

April 29, 1993

TO: Congressional Liaison
Federal Communications Commission
Washington, D. C. 20554

FROM: ALFONSE M. D'AMATO
United States Senator

Because of the desire of this office to
be responsive to all inquiries and communica-
tions, your consideration of the attached is
requested.

PLEASE TRY TO RESPOND WITHIN 4 WEEKS OF
YOUR RECEIPT OF THIS REQUEST. YOUR FINDINGS
AND VIEWS, IN DUPLICATE, ALONG WITH RETURN OF
THIS MEMO PLUS ENCLOSURE, WILL BE APPRECIATED.

Many thanks.

AMD:bbm

VILLAGE OF MAYVILLE

Village Office (716)753-2125

"The Main Gateway to Chautauqua Lake"

P.O. Box 188
Mayville, New York 14757

Public Works (716)753-2013

93 APR 19 AM 11:33

April 15, 1993

Hon. Alfonse D'Amato
Room 620, Federal Building
111 West Huron Street
Buffalo, New York 14202

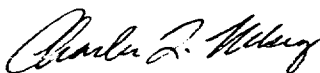
Dear Senator D'Amato:

The Village of Mayville recently filed formal comments with the Federal Communications Commission concerning a proposed "refarming" of two-way radio frequencies. A copy of our comments is enclosed for your review.

We are extremely concerned about the financial impact that could result should major changes be implemented in the traditional two-way radio services. While the Village is certainly not opposed to utilization of spectrum conserving new technology, and we certainly appreciate the need for more channels, it is felt that the financial burden could crush us as well as others. The possibility exists to put some users completely out of the two-way radio picture.

It would be appreciated if your office could closely follow this pending action with an eye toward potential costs to the user such as the Village.

Very truly yours,



Charles L. Kelsey
Village Clerk

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)
)
Replacement of Part 90 by Part 88 to) PR Docket No. 92-235
Revise the Private Land Mobile Radio)
Services and Modify the Policies)
Governing Them)

TO: THE COMMISSION

COMMENTS OF THE
VILLAGE OF MAYVILLE, NEW YORK

I. INTRODUCTION

The Village of Mayville ("the Village") is a local government in the County of Chautauqua, State of New York with a population of 1636. The Village will be commenting on only those aspects of the proposed rule making that it feels warrant a response as it relates to the Village's operation.

II. BACKGROUND

The Village provides to it's residents traditional municipal services which include fire protection, parks, streets, sidewalks, recreation, cemetery, storm sewers, animal control, solid waste pickup and disposal, recycling, etc. The Village also operates a municipal electric distribution system serving approximately 1,000 customers as well as a municipal water supply system for about 800 customers. The Village is considered rural and the area's primary industry is tourism.

To facilitate municipal services, the Village holds two way radio licenses in the Fire Radio Service, Special Emergency Radio Service and Local Government Radio Service. Under these licences there are 35 two way radios on the UHF band and 20 two way radios operating on the VHF low band. An additional 50 pagers and alerting receivers are in service between these two bands.

The annual budget for the Village is \$2.2 million.

The radio systems that are presently in place represent a sizeable investment for a community of our size and budget. Purchases of radios were made over a period of several years for budgetary reasons.

As a cost saving measure, and to conserve valuable radio spectrum, the Village has entered into a cooperative agreement with another local governmental entity to allow that entity to operate their radios under our license.

III. DISCUSSION

- A. The Village realizes that radio spectrum is congested and unable to accommodate potential new users in many parts of the country. To help illustrate our understanding of the scarcity of two way radio channels, the Commission should be aware that the Village has been instrumental in assisting the Municipal Electric Utilities Association of New York State research the possibility of implementing some type of mutual aid radio system. Investigation revealed that there were no VHF low, VHF high or UHF frequencies available on a statewide basis. Research continues regarding the possibility of utilizing the 800 MHz band for this purpose, but is not looking very promising at this time. The Village was extremely concerned that FCC staff was quick to recommend that the 47 utilities scrap their existing two way radio systems, operating on all three bands, in favor of each utility going to an 800 MHz system. Our proposal to FCC staff was to utilize one 800 MHz frequency to cross-band link the dissimilar existing mobile radio systems (There was no need to intertie the base stations, just allow the mobiles to communicate when in another service area.)
 - B. Based on paragraph A (above), the Village is concerned that the Commission may have lost perspective concerning the impact that wholesale changes to radio systems have on the budget of small municipalities. It should be remembered that funding, especially increases in local taxes, has become extremely tight at all levels of government. It is our opinion that Federal funding to replace radio systems to a newer technology will not happen. Massive, non-compatible technical changes could very well spell the end to vital communications systems for some police, fire, emergency medical and local government services.
 - C. The Village is not opposed to "channel splitting" as was done some 30 years ago, so long as it will not render existing equipment useless. Back when channel splitting was done last, radios were easily modified to the narrow-band operation. The Village would be opposed to advances in technology that would render our present equipment unusable because it could not be modified.
 - D. The Village is very concerned about licensing and channel allocations. We would be opposed to any action that would cause us to loose the number of channels we are presently licensed for. The Village is concerned that channels could be "gobbled up" by private enterprises and that we would be required to lease air time from them. We are fearful that such a situation would be too costly for many users.
 - E. As mentioned in paragraph A (above), the Village is very much in favor of allocations for mutual aid use. In the case of the 47 member utilities of
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...tional systems already enjoy these benefits by utilizing the MED chan

- D. The Village is strongly in favor of implementing mutual aid channels on a local, regional and statewide basis.
- E. The Village is in favor of systems using the minimum amount of power needed, but feels that a maximum of 100 watts is more realistic. It also feels that the effective radiated power level of 300 watts should be imposed on antennas located 300 feet (rather than 60 meters) above average terrain.
- F. The Village is opposed to allocating spectrum by lottery but is more opposed to allocations by auction.

Dated: February 12, 1993

Respectfully submitted,

Charles L. Kelsey
Village Clerk
Village of Mayville
P. O. Box 188
Mayville, New York 14757-0188
(716) 753-2125
(716) 753-3125 FAX